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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91125615
Party	Defendant THE UNIVERSITY OF SOUTH CAROLINA  ,
Correspondence Address	JOHN C. MCELWAINE NELSON MULLINS RILEY & SCARBOROUGH, LLP 151 MEETING STREET, SUITE 500 CHARLESTON, SC 29401  john.mcelwaine@nelsonmullins.com
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Date	03/08/2006
Attachments	scsTIP.pdf ( 6 pages )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

University of Southern California,

Opposer,

v.

University of South Carolina

Applicant.

Opposition No. 125,615

Serial Nos. 75/358,031

Mark: SC (Stylized)

Filed: September 16, 1997

Published: January 11, 2000

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**MOTION FOR APPROVAL OF STIPULATION  
AND PROPOSED ORDER**


PLEASE TAKE NOTICE THAT, pursuant to 37 C.F.R. § 2.123(b), Applicant the University of South Carolina ("Carolina") and Opposer the University of Southern California ("California") (collectively "Parties") have entered in a Stipulation Regarding the Taking of Testimony of Ray Tanner, a true and correct copy of which is attached hereto as Exhibit A.

Pursuant to said Stipulation, the Parties have stipulated and agreed as follows:

The parties will schedule a discovery and trial deposition of Ray Tanner by video conference at a mutually agreeable time (either during a break in the baseball season or after it is over) to occur prior to the close of testimony in this matter, which is June 25, 2006. Carolina has agreed that the direct testimony of Ray Tanner will be limited to the process of creating the South Carolina baseball "SC" mark that is the subject of this current action. The parties agree that the discovery and trial deposition may be treated as if it were taken during the parties' appropriate periods. The Parties further agree that California may submit any portion of the discovery deposition of Ray Tanner at any time before the filing of California's opening brief in this matter, and that Carolina may counter-designate any appropriate additional portion of Ray Tanner's discovery deposition within 30 days of the submission of any portion of Ray Tanner's discovery deposition by California, and that such designation and counter-designation shall be treated as having occurred during each party's respective trial period.

Pursuant to 37 C.F.R. § 2.121(a)(1), this stipulation requires approval of the Trademark Trial and Appeals Board to become effective. Applicant hereby respectfully requests such approval.

NELSON MULLINS RILEY & SCARBOROUGH, L.L.P.

By:   
John C. McElwaine  
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Charleston, SC 29401  
(843) 853-5200

Attorneys for University of South Carolina

**SO ORDERED:**

By: \_\_\_\_\_

Name: \_\_\_\_\_

By Order of Board, effective \_\_\_\_\_, 2006

## Exhibit A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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**Stipulation Regarding Testimony of Ray Tanner**

WHEREAS, the University of South Carolina ("Carolina") wishes to offer the trial testimony of its head baseball team coach, Ray Tanner, to describe the creation of the South Carolina baseball "SC" mark which is the subject of the current action; and

WHEREAS, in light of the significant time constraints on Coach Tanner, Coach Tanner was not available during the time that counsel for the University of Southern California ("California") took the deposition of Carolina in Columbia, South Carolina pursuant to F.R.C.P. 30(b)(6); and

WHEREAS, in light of Coach Tanner's significant time constraints during the spring baseball season, and in light of the distance that counsel for the University of Southern California ("California") would need to travel to personally attend such deposition, California and Carolina have not been able to find a convenient time for Coach Tanner's trial deposition during the scheduled trial period for Carolina; and

WHEREAS, Carolina has consented to allow counsel for California to attend the trial deposition of Coach Tanner via video conference and for counsel for California to conduct a discovery deposition by video conference immediately prior to the trial deposition; and

NOW THEREFORE, Carolina and California (collectively "Parties") agree and stipulate to the following:

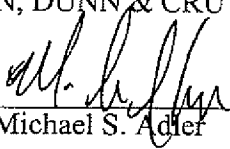
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portion of the discovery deposition of Ray Tanner at any time before the filing of California's opening brief in this matter, and that Carolina may counter-designate any appropriate additional portion of Ray Tanner's discovery deposition within 30 days of the submission of any portion of Ray Tanner's discovery deposition by California, and that such designation and counter-designation shall be treated as having occurred during each party's respective trial period.

DATED: March 8, 2006

GIBSON, DUNN & CRUTCHER LLP


By:

  
Michael S. Adler

Attorneys for University of Southern California

NELSON MULLINS RILEY & SCARBOROUGH, L.L.P.

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Attorneys for University of South Carolina

# CERTIFICATE OF SERVICE

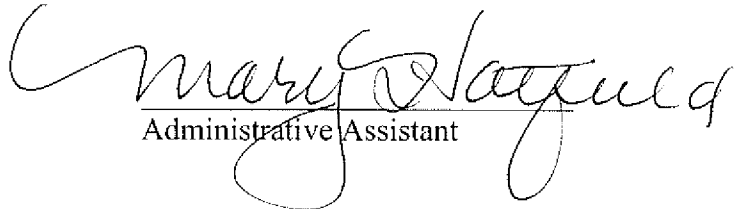
I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough, L.L.P., attorneys for Applicant do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Postal Service First Class Mail, with proper postage thereon, to the following address(es):

Pleadings:

MOTION FOR APPROVAL OF STIPULATION AND PROPOSED ORDER

Counsel Served:

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3/8, 2006